

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/695,611	§	Examiner:	Sall, El Hadji Malick
Filed: October 28, 2003	§	Group/Art Unit:	2157
Inventor:	§	Atty. Dkt. No:	5681-35800
Robert Valia	§		
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Title: System and Method for	§		
Disconnected Operation of	§		
Thin-Client Applications	§		
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated below.

Claims 1-49 remain pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal.

Claims 1-11, 13-17, 19-21, 23-35, 37-44 and 46-49 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bowman-Amuah (U.S. Patent 6,332,163) (hereinafter “Bowman”). Claims 12, 22, 36 and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman-Amuah (U.S. Patent 6,332,163) in view of Smith et al. (U.S. Publication 2002/0065899) (hereinafter “Smith”). The following **clear errors**

in the Examiner's rejections are noted.

1. Bowman does not anticipate a thin client configured to remotely interact with an application hosted on a server, and to also download a version of the same application to run at least a portion of application logic of the application on the thin client.

Claim 1 requires that the thin client use the application remotely, and also requires that a version of the same application is downloaded to the client device via the network so that at least a portion of application logic of the same application is provided to the thin client for use after the thin client has disconnected from the application on the server. This operation is clearly not described in Bowman. The Examiner first refers to Fig. 17 of Bowman. Final Action, p. 3. However, as described in Bowman at col. 70, lines 32-40, Fig. 17 merely illustrates a messaging model between a client and a server. Applicant fails to see the relevance of Fig. 17 to what is recited in claim 1. The Examiner next refers to Bowman at col. 26, lines 55-63. *Id.* However, this portion of Bowman merely refers to thin-client devices that download and run applications from a central server. This portion of Bowman describes an application being downloaded from a server and then run on a thin-client device. In contrast, claim 1 recites a thin client interacting with a server-hosted application via a network to remotely perform one or more functions of the application, and the client device also downloading a version of the same application to run at least a portion of application logic of the application on the client device. Thus, claim 1 requires that the same application is used by the same thin client on both the server and on the client device. Bowman simply does not describe a thin client interacting with the same application both remotely on the server and locally on the client device to perform functions of the application.

In the Response to Argument section on p. 8 of the Final Action and in the Advisory Action, the Examiner refers to a definition of a thin client from www.answers.com. However, the Examiner has not presented any evidence of record showing that this material from www.answers.com is prior art to the present application.

Therefore, the Examiner's reliance on this reference is improper. Moreover, the definition of a thin client from www.answers.com does not describe a thin client interacting with a server-hosted application via a network to remotely perform one or more functions of the application, and the client device also downloading a version of the same application to run at least a portion of application logic of the application on the client device. Therefore, the Examiner has clearly failed to establish a *prima facie* case of anticipation.

2. Bowman does not anticipate the thin client disconnecting from the application on the server, and accessing the downloaded version of the application on the client device to perform one or more functions of the application provided by the at least a portion of the application logic while the thin client is disconnected from the application.

The Examiner refers to Bowman at col. 54, lines 22-24. However, this portion of Bowman merely refers to products such as Lotus Notes and Microsoft Exchange that allow remote users to replicate documents so that users can work disconnected from the network. Lotus Notes and Microsoft Exchange are by definition "fat" client products, not "thin" clients. Therefore, this portion of Bowman does not teach a thin client disconnecting from the application on the server. The Examiner failed to address this argument in the Response to Arguments section of the Final Action or in the Advisory Action.

Moreover, col. 54, lines 22-24 of Bowman refers to replicating a document between a server and a client. This has absolutely nothing to do with a thin client interacting with an application via a network to remotely perform one or more functions of the application. Nor does the document replication of Bowman have anything to do with downloading a version of the same application to the client device via the network.

The Examiner also refers again to Bowman at col. 26, lines 55-63. Final Action, p. 3. However, as discussed above, this portion of Bowman refers to an application being

downloaded from a server and then run on a thin-client device. In contrast, claim 1 recites a thin client interacting with a server-hosted application via a network to remotely perform one or more functions of the application, and the client device also downloading a version of the same application to run at least a portion of application logic of the application on the client device when the thin client is disconnected.

In the Response to Arguments section on p. 9 of the Final Action and in the Advisory Action, in response to the above argument, the Examiner cites col. 54, lines 22-24 as disclosing “the users working (i.e. ‘application being provided to the thin client (i.e. inside the client machine of Bowman)’) disconnected from the network.” The Examiner has misrepresented the teachings of Bowman. Col. 54, lines 22-24 of Bowman refer to fat clients, not thin clients, and mentions absolutely nothing of an application being provided to a thin client. To the contrary, this portion of Bowman refers to document replication between fat clients and a server.

Bowman simply does not describe a thin client interacting with the same application both remotely on the server and locally on the client device to perform functions of the application, as recited in claim 1. Therefore, the Examiner has clearly failed to establish a *prima facie* case of anticipation.

3. The Examiner has related on disparate and unrelated teachings of the cited reference thus violating the standard for anticipation under 35 USC § 102(b).

In rejection claim 1 as being anticipated by Bowman, the Examiner relies on three disparate portions of the lengthy Bowman reference that are unrelated to one another and are clearly not arranged together in a combination as recited in Applicant’s claim 1. First, the Examiner cites Fig. 17 of Bowman which illustrates a messaging model between a client and a server. Final Action, p. 3. Second, the Examiner cites col. 26, lines 55-63 of Bowman which refers to thin-client devices that download and run applications from a central server. *Id.* Finally, the Examiner cites col. 54, lines 22-24 of Bowman which refers to products such as Lotus Notes and Microsoft Exchange that

allow remote users to replicate documents so that users can work disconnected from a network. *Id.* When reading the Bowman reference, it is clear that the messaging model of Fig. 17, the thin-client of col. 26, lines 55-63, and the document replication of col. 54, lines 22-24 are not part of the same system. Instead, each of these portions of Bowman is completely distinct from the other. These teachings of Bowman are not described as working together to form the interrelated combination of features recited in Applicant's claim 1. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The disparate and unrelated teachings of Bowman cited by the Examiner clearly do not anticipate Applicant's claimed invention.

Similar argument apply in regard to independent claims 13, 19, 23, 25, 37, and 46.

In light of the foregoing remarks, Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5681-35800/RCK.

Respectfully submitted,

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Date: October 27, 2008